

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:08-cr-00126-MR

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) O R D E R
)
)
HORACE LEROY BRAZZELL,)
)
Defendant.)
)

THIS MATTER is before the Court on the Defendant's letter, which the Court construes as a motion to modify the Defendant's sentence. [Doc. 36].

In his letter, the Defendants asks the Court to consider modifying his sentence to eliminate the requirement of supervised release in exchange for a longer term of imprisonment. [Doc. 36].

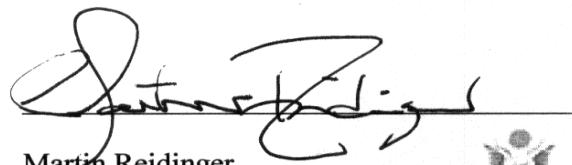
Pursuant to 18 U.S.C. § 3582(c), the Court may reduce or modify a sentence only: (1) upon motion of the Director of the Bureau of Prisons, if certain extraordinary and compelling reasons so warrant; (2) under the express authority of Rule 35 of the Rules of Criminal Procedure, which provides that the Court may correct a clear error in a sentence within 14 days after sentencing or reduce a sentence upon motion by the Government for

the defendant's substantial assistance; or (3) when a defendant is sentenced to a term of imprisonment based upon a sentencing range that was subsequently lowered by the United States Sentencing Commission. See 18 U.S.C. § 3582(c). None of these circumstances are applicable in the present case. Accordingly, the Defendant's request for a modification of his sentence must be denied.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's letter [Doc. 36], which the Court construes as a motion to modify the Defendant's sentence, is **DENIED**.

IT IS SO ORDERED.

Signed: August 17, 2016



Martin Reidinger
United States District Judge

